

PUBLISHED IN THE WICHITA EAGLE ON

ORDINANCE NO.49-252

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION OF THE IMPROVEMENTS TO THE BRIDGE ON BROADWAY NEAR 34<sup>TH</sup> STREET SOUTH IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the development of infrastructure associated with the improvement of the bridge on Broadway near 34<sup>th</sup> Street South in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

Beginning at a point 520 feet South of the Northwest corner of Gov't Lot 10 in Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence East 295.9 feet, more or less, to the West line of Topeka Avenue, thence south 193.3 feet, thence West 295.9 feet, more or less, thence North to point of beginning, except that portion taken for overpass and except that portion taken for street purposes in Sedgwick County, Kansas and

The West 335.9 feet of the North 212 feet of Government Lot 10 as established by District Court Case No. 19897, Southwest Quarter of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part taken for Road Right of Way in Case No. 99029.

Permanent easements for right of way, public utilities and related uses in and to the following-described tracts, to-wit:

Commencing at the Northeast corner of the Northeast Quarter of Section 8, Township 28 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence S00°57'39"E, 1652 feet along the east line of said Northeast Quarter to the Point of Beginning; thence continuing S00°57'39"E, 885.69 feet along said East line; thence S88°36'41"W parallel with the South line of said Northeast Quarter, 257.01 feet; thence N00°57'39"W parallel with the East line of said Northeast Quarter, 885.65 feet to the North line of Parcel 1 as described in DOC.#/FLM-PG: 28994097; thence N88°36'09"E, 257.01 feet along said north line to the Point of Beginning, except that part taken for highway in Condemnation Case No. 98677.

Permanent easements for drainage, public utilities and related uses in and to the following-described tracts, to-wit:

Commencing at the northeast corner of the Northeast Quarter of Section 8, Township 28 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence S°57'39"E, 1,652 feet along the east line of said Northeast Quarter; thence S88°36'09"W, 257.01 feet parallel with the north line of said Northeast Quarter to the Point of Beginning; thence S00°57'39"E, 800.02 feet parallel with said east line; thence S88°36'09", 65.00 feet parallel with said north line to a point 322 west of said east line; thence N00°57'39"W, 270.01 feet parallel with said east line; thence S88°36'09"W, 55.00 feet parallel with said north line to a point 377 west of said east line; thence N00°57'39"W, 20.00 feet parallel with said east line; thence N88°36'09"E, 55.00 feet parallel with said north line to a point 322 west of said east line; thence N00°57'39"W, 510.01 feet parallel with said east line to appoint 1,652 feet south of said north line; thence N88°36'09"E, 65.00 feet parallel with said north line to the Point of Beginning

Temporary construction easements for driveway, drainage and road construction in and to the following-described tracts, to-wit:

Beginning at the northeast corner of Block 1, West Robbins Addition, Wichita, Kansas; thence S11°04'56"W, 102.41 along the east line of said Block 1, also being the west railroad right of way; thence S88°36'41"W, 76.52 feet; thence N02°10'23"W, 100.00 feet to the north line of said Block 1; thence N88°36'41"E, 100.00 feet along said north line to the Point of Beginning and

Beginning at the Southeast corner of the Northeast Quarter of Section 8, Township 28 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence S88°36'41"W along the South line of said Northeast Quarter, 377.01 feet; thence N00°57'39"W parallel with the East line of said Northeast Quarter, 1005.64 feet to a point 1652 feet south of the North line of said Northeast Quarter; thence N88°36'09"E parallel with said North line, 120.00 feet; thence S00°57'39"E parallel with said East line, 885.65 feet to a point 120.00 feet north of said South line; thence N88°36'41"E parallel with said South line, 257.01 feet to the East line of said Northeast Quarter; thence S00°57'39"E along said East line to the Point of Beginning, except that part taken for highway in Condemnation Case No. 98677.

Said temporary easements automatically terminate three years after acquisition or 30 days after completion of the subject project, whichever is sooner.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 27th day of, March 2012.

**CITY OF WICHITA**

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Carl Brewer, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Gary E. Rebenstorf, Director of Law